

REMARKS

Claims 21-23 and 25-29 have been rejected under 35 U.S.C. 103(a) as being obvious over Diekmann (US 6,916,116) in view of Breuer (U.S. 4,802,255). Claims 30-35 and 37-40 have been rejected under 35 U.S.C. 102(b) as being anticipated by Diekmann. Claim 24 has been rejected as obvious over Diekmann and Breuer further combined with Ko, and claim 36 has been rejected as obvious over Diekmann in view of Ko. These rejections are respectfully traversed.

Claim 21 requires, in pertinent part, "applying a liquid onto a porous indicator strip..., *the strip...containing a dye.*" The Examiner contends that Diekmann discloses a strip containing a dye at col. 10, lines 49-55. Applicants respectfully submit that this is not correct. In the cited passage, Diekmann refers to the liquid containing a dye. Regarding the substrate, Diekmann states that the substrate is selected to provide a contrast, e.g., the substrate may be a white opaque substrate. Thus it is clear from the context that the substrate does not contain a dye. The only other mention of dyes in Diekmann is found at col. 18, lines 35-41, where Diekmann again states that the liquid could contain a dye and the substrate may be a white substrate.

Accordingly, the Diekmann device functions in a different manner than Applicants' claimed indicator strip, but flow of a color-containing fluid along the strip, rather than by diffusion of a liquid along a strip which itself contains a dye.

Breuer does not supply a disclosure of a strip containing a dye, nor is Breuer cited to provide such a disclosure. Thus, Applicants respectfully submit that claim 21, and the claims that depend therefrom, are not obvious in view of the cited combination.

Claims 30 and 40 both require, in pertinent part, that the indicator strip comprises a dye. Applicants have amended these claims to clarify that the indicator strip is configured so that molecules of the dye adhere to the indicator strip. Adhesion of the dye to the indicator strip is discussed in Applicants' specification, for example in the third paragraph of the Summary section. As explained in Applicants' specification, the adhesion of the dye molecules to the surface of the strip allows a sharp color front to be formed.

As discussed above, neither Dickmann nor Breuer discloses a strip that contains a dye, much less a strip having dye molecules adhered to the strip. Accordingly, claims 30 and 40 are also patentable over the art of record.

In view of the above amendments and remarks, Applicants respectfully submit that the claims are in condition for immediate allowance, which is respectfully requested.

Applicants respectfully submit that, as the noted deficiencies of the primary references are not resolved by any teaching of the cited secondary references or by reference to general knowledge of one of merely ordinary skill, Applicants dependent claims are also patentable over the art of record.

Please charge the Petition for Extension of Time fee, and apply any other charges or credits, to deposit account 06-1050, referencing Attorney Docket No. 02894-742US1.

Respectfully submitted,

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